

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. 1:20-cv-00954-WO-JLW

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and  
VITAL MANAGEMENT SERVICES,  
INC.,

Defendants.

**DEFENDANTS' MOTION FOR  
PRE-TRIAL HEARING**

**Fed. R. Civ. P. 16  
LR 40.1(c)**

Defendants Nicholas Del Rosso and Vital Management Services, Inc. (collectively, "Defendants"), pursuant to Fed. R. Civ. P. 16 and Local Rule 40.1(c), hereby move the Court for a pretrial hearing to address matters relating to final trial preparation. In support of this Motion, Defendants state the following:

1. Trial is set in this matter for September 23, 2024 [D.E. 305].
2. The Court has set a hearing for pending motions for August 15, 2024, at 2:00 p.m. [D.E. 388].<sup>1</sup>
3. Defendants filed a Motion for Summary Judgment on July 15, 2024 [D.E. 379, 380]. Plaintiff's Response is due August 14, 2024. Defendants' Reply is due fourteen (14) days after service of the Response. Although

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<sup>1</sup> Defendants would appreciate clarification from the Court as to what motions the Court intends to hear at the August 15, 2024 hearing so that the parties can best prepare.

Defendants believe this motion is dispositive of all issues in the case, Defendants are mindful of the currently scheduled trial date and dates set pursuant to local rule.

4. For instance, the parties pretrial brief and proposed jury instructions pursuant to Local Rule 40.1(c) are required to be filed no later than September 3, 2024.

5. A pretrial hearing to discuss and establish pre-trial deadlines for issues such as motions in limine, voir dire, opening statement, designations, and objections to deposition testimony, the verdict form, and other pretrial matters will clarify and streamline the issues to be addressed before trial, thereby reducing the likelihood of delays and ensuring a more efficient judicial process.

6. Defendants request that the pretrial hearing be held as soon as practicable for the Court, or at the conclusion of the hearing already scheduled for August 15, 2024.

7. Defendants' counsel conferred with Plaintiff's counsel regarding the relief sought in this motion. Plaintiff does not oppose a pre-trial hearing but believes that resolution of several unresolved discovery disputes is necessary before that hearing.

WHEREFORE, Defendants respectfully request that the Court set a pretrial hearing.

This the 23rd day of July, 2024.

**NELSON MULLINS RILEY &  
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*Counsel for Defendants*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of July, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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